

1 that a judge, if 5-B were not part of our Constitution,
2 that a judge could decide to deny bail, or set extremely
3 high bail, simply based on his prediction that the accused
4 is apt to commit crimes in the future?

5 DELEGATE JAMES: Delegate Child.

6 DELEGATE CHILD: I would say so, yes.

7 DELEGATE JAMES: Delegate Chabot.

8 DELEGATE CHABOT: And do you feel that that
9 prediction would not be a proper basis for denying bail
10 if Section 5-B were in our Constitution?

11 DELEGATE JAMES: Delegate Child.

12 DELEGATE CHILD: Right.

13 DELEGATE CHABOT: Thank you.

14 DELEGATE JAMES: Delegate Hargrove.

15 DELEGATE HARGROVE: Judge Child, in your com-
16 mittee, on this question, did you consider the cases
17 dealing with the criteria for setting bail on purpose?

18 I have in mind, do you find any cases which allow
19 the court the discretion in determining a prior criminal
20 record as a basis for the setting of bail?

21 DELEGATE JAMES: Delegate Child.